

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Joe Hand Promotions, Inc.,

Plaintiff

v.

Alfred J. Belluomini, Jr., et al.,

Defendants

Case No.: 2:16-cv-0589-JAD-VCF

**Order Dismissing Case Without
Prejudice Under FRCP 4(m)**

Plaintiff Joe Hand Promotions, Inc. brings this suit against Alfred J. Belluomini, Jr., Andrew G. Jordon, and AJs Adventures, LLC—all individually and dba Dragon’s Cloud Hookah Lounge, alleging that they violated its rights as the exclusive commercial domestic distributor of the March 2013 televised *Ultimate Fighting Championship 158: Georges St. Pierre v. Nick Diaz*. After filing this case in March 2016, plaintiff failed to file proof of service on any defendant. So, on August 9, 2016, plaintiff was notified that “this action shall be dismissed without prejudice” unless it filed proof of service by September 8, 2016.¹ No such notice has been filed, and there is no evidence in the record that plaintiff has served any defendant.

FRCP 4(m) requires service of the summons and complaint to be completed within 90 days of the complaint’s filing, and “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.”² Rule 4(c)(1) further provides that “[t]he plaintiff is responsible for having the summons and complaint served within the time allowed under Rule 4(m).”³

Plaintiff has failed to provide the required proof of service—or take any action in this case in

¹ ECF No. 5 (4(m) notice).


² Fed. R. Civ. Proc. 4(m).

³ Fed. R. Civ. Proc. 4(c).

1 nearly a year. Exercising my discretion, I now dismiss this case without prejudice under Rule 4(m).

2 Accordingly, with good cause appearing and no reason for delay, IT IS HEREBY
3 ORDERED, ADJUDGED, AND DECREED that this action is **DISMISSED WITHOUT**
4 **PREJUDICE** and in its entirety under Fed. R. Civ. Proc. 4(m). The Clerk of Court is directed to
5 CLOSE THIS CASE.

6 DATED: February 8, 2017

7
8 
9 JENNIFER A. DORSEY
10 UNITED STATES DISTRICT JUDGE
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28